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ATTORNEY FOR DEFENDANT  
HUGO RAMIREZ

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

PLAINTIFF,

v.

HUGO RAMIREZ, et al.,

DEFENDANTS

CR.-S-05-90-WBS

**FINDING OF EXCLUDABLE TIME  
UNDER BOTH THE SPEEDY TRIAL  
ACT AND THE SIXTH  
AMENDMENT**

Plaintiff United States of America, by its counsel, Assistant United States Attorney, Mr. Matthew D. Segal, and defendants Jayson Edwards, by his counsel, Ms. Rachel Barbour, Robert Osborn, by his counsel, Ms. Shari Rusk, Joshua Rogers, by his counsel Lorie Teichert, and Hugo Ramirez, by his counsel, James R. Greiner, hereby agree and stipulate that time can be excluded by this Court under both the Speedy Trial Act and the Sixth Amendment from Wednesday, April 19, 2006 to Wednesday, May 31, 2006 for the following agreed reasons:

1-There is a pending motion before the Court originally filed by defendant Ramirez on November 14, 2005, with proper stipulations and Court Order's continuing the hearing on the motion and excluding time under both the Speedy Trial Act and the Sixth Amendment to February 23, 2006, when the motion was heard. At that time the evidentiary hearing on the motion was

1 continued to March 24, 2006, with time being excluded based on a pending motion. Then on March  
2 2, 2006, the government filed the first superseding Indictment, adding two new defendants, Robert  
3 Osborn and Joshua Rogers, and three new charges, and alleging two prior drug offenses against  
4 defendant Ramirez. On March 20, 2006, Robert Osborn made his first appearance and his attorney,  
5 Ms. Shari Rusk, was appointed. A status conference was set for April 19, 2006. Based upon co-  
6 defendant Ramirez's pending motion, time under both the Speedy Trial Act and the Sixth  
7 Amendment was excluded until March 24, 2006. On March 21, 2006, defendant Ramirez requested  
8 that the evidentiary hearing scheduled for March 24, 2006, be taken off calendar due to the new  
9 Indictment and two new defendants, and requested that the matter be set for a status conference  
10 hearing on be set on Wednesday, April 19, 2006. Under both the Speedy Trial Act and the Sixth  
11 Amendment, time was excluded for a speedy trial due to the pending motion by defendant Ramirez  
12 as to all defendants and the government. The government agreed with this request and exclusion of  
13 time. On April 6, 2006, defendant Ramirez new counsel, Mr. Greiner, was appointed. On April 11,  
14 2006, defendant Josuha Rogers made his first appearance and his counsel, Ms. Lorie Teichert was  
15 appointed. On April 19, 2006, a status conference was held in District Court with all parties present,  
16 or a waiver of their presence on file. The joint request of all parties was to set the matter for a further  
17 status conference on Wednesday, May 31, 2006. All parties, all defendants and the government,  
18 agreed that time under both the Speedy Trial Act and the Sixth Amendment can be excluded from  
19 the speedy trial time due to the pending motion filed by defendant Ramirez, the need of the three  
20 recently appointed defense attorneys to review the discovery and prepare the case. These exclusions  
21 of time fall under Title 18 U.S.C. Sections 3161 (h)(1)(F) and (h)(3)(8)(A) and (h)(3)(8)(B)(iv) and  
22 Local Codes E (pretrial motions) and T-4 (substitute counsel reasonable time to prepare the case).  
23 This exclusion of time from April 19, 2006 to May 31, 2006, is also agreed to by all parties, all  
24 defendants and the government, as meeting the ends of justice and outweighing the best interest of  
25 the public and the defendants for a speedy trial for all the reasons stated herein under the Sixth  
26 Amendment.

27 Counsel for defendant Ramirez spoke to each defense counsel, and received verbal telephone  
28

1 or personal authorization to prepare and sign this finding of excludable time on behalf of each  
2 individual defendant. Further, the government has reviewed this document and has agreed to it and  
3 given verbal authorization for counsel to sign on behalf of the attorney for the government.

4  
5 Respectfully submitted,

6 MCGREGOR W. SCOTT  
7 UNITED STATES ATTORNEY

8 /s/ MATTHEW D. SEGAL  
9 DATED: 4-25-06 With telephone authorization by Mr. Segal  
10 MATTHEW D. SEGAL  
11 ASSISTANT UNITED STATES ATTORNEY  
12 ATTORNEY FOR THE PLAINTIFF

13 DATED: 4-25-06 /s/ RACHEL BARBOUR by JAMES R. GREINER  
14 With telephone authorization by Ms. BARBOUR

15 RACHEL BARBOUR  
16 ATTORNEY FOR DEFENDANT EDWARDS

17 DATED: 4-25-06 /s/ SHARI RUSK by JAMES R. GREINER  
18 With personal authorization by Ms. Rusk

19 SHARI RUSK  
20 ATTORNEY FOR DEFENDANT OSBORN

21 DATED: 4-25-06 /s/ LORIE TEICHERT by JAMES R. GREINER  
22 With personal authorization by Ms. Teichert

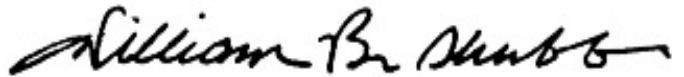
23 LORIE TEICHERT  
24 ATTORNEY FOR DEFENDANT ROGERS

25 /s/ JAMES R. GREINER  
26 DATED: 4-25-06 JAMES R. GREINER  
27 ATTORNEY FOR DEFENDANT RAMIREZ  
28

**ORDER**

**FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.**

DATED: May 2, 2006

A handwritten signature in black ink, appearing to read "William B. Shubb", written over a horizontal line.

WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE